

REMARKS

The undersigned thanks the Examiner for the suggestions provided to the undersigned in the telephone message of December 18, 2006. The Examiner suggested that the undersigned should provide support for the amendments to the claims. The amendments of claims 1 and 19 are fully supported by the disclosure in paragraph [0062] and Fig. 2 of the specification, for example. Amended claim 1, shown below, includes support for the amendments from paragraph [0062] within the claim.

1. (Currently amended) A method ~~comprising~~ of forming a single structure attached to a micro-fluidic channel [see “first pillar 900A” in line 4 of paragraph [0062]] based on hydrodynamic focusing using a hydrodynamically focused solidifiable fluid [see “solidifiable fluid” in line 9] and a focusing fluid; and the method comprising:
introducing the hydrodynamically focused solidifiable fluid and the focusing fluid into the micro-fluidic channel; [see Fig. 2]
selectively promoting polymerization in polymerizing a portion of the hydrodynamically focused solidifiable fluid by selectively exposing the portion to an electromagnetic radiation;
to form forming the single structure by both hydrodynamic focusing and lithography by having forming a first dimension of the single structure that is based on hydrodynamic focusing and forming a second dimension that is of the single structure based on a patterned mask lithography; [see of paragraph [0062], “A first dimension of the pillars, such as a width, may be based on hydrodynamic focusing. A second dimension of the pillars, such as a length, may be based on lithography.”]
wherein the first dimension and the second dimension are created in different portions of the single structure. [see of paragraph [0062], “A first dimension of the pillars, such as a width, may be based on hydrodynamic focusing. A second dimension of the pillars, such as a length, may be based on lithography.”]

Similarly, the amendments in amended claim 19 are supported by paragraph [0064].

In claims 1 and 19, the term “a single structure” means one specific structure as compared to a plurality of different structures as would be construed by the term “a structure.” In short, claims 1 and 19 recite that a specific structure attached to a micro-fluidic channel is formed both hydrodynamic focusing and lithography.

Claim 22 was rejected under 35 USC 112, second paragraph. This rejection is respectfully traversed and should be withdrawn in light of this Amendment.

Claims 1-4, 6-15, 17, 19 and 22-25 were rejected as being anticipated by Beebe. This rejection is respectfully traversed.

A careful review of Beebe and the passages cited by the Examiner indicates that Beebe teaches making a structure either by lithography (see Beebe, col. 7, line 55 to col. 8, line 7; col. 8, line 66 to col. 9, line 35) *or* hydrodynamic focusing (see Beebe, col. 11, line 66 to col. 12, line 28). However, unlike this invention, Beebe fails to disclose, either explicitly or inherently, a method of “forming the single structure-by *both* hydrodynamic focusing and lithography.” As explained above, no single structure of Beebe is made by both hydrodynamic focusing and lithography.

Applicant respectfully submits that the Examiner should not read out the limitations “*single*” and “*both*” in the limitation “forming the single structure-by *both* hydrodynamic focusing and lithography” of the independent claims just as the Federal Circuit in *Lewmar Marine Inc. v. Barient Inc.* 827 F.2d 744, 3 USPQ2d 1776, *cert. denied*, 484 U.S. 1007 (Fed. Cir. 1988), explained that even the word “only” cannot be read out of a claim. “The claim limitation could possibly read on the American Eagle winch if the word ‘only’ did not appear in that clause. The word ‘only,’ however, is there and may not be read out of the claims.” *Id.* Similarly, in this case, the words “*single*” and “*both*” may not be read out of the claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 070702005600.

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Respectfully submitted,

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